

SENATE INDIAN AND CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 588

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
PROVIDING FOR A DISTRIBUTION EQUAL TO TWENTY-FIVE PERCENT OF  
INDIAN GAMING REVENUES TO BE DISTRIBUTED TO TRIBALLY OR  
FEDERALLY ESTABLISHED POST-SECONDARY EDUCATIONAL INSTITUTIONS  
LOCATED IN NEW MEXICO; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--Sections 1 through 3 of this act  
may be cited as the "Tribal College Act".

Section 2. DEFINITIONS.--As used in the Tribal College  
Act:

- A. "commission" means the commission on higher  
education;
- B. "fund" means the tribal college fund;
- C. "New Mexico resident" means a student who:

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1 (1) lives in New Mexico at the time that the  
2 student is accepted as a student at a tribal college;

3 (2) is a member of a tribe;

4 (3) graduated from a secondary school located  
5 in New Mexico; or

6 (4) would be considered a resident student for  
7 tuition and budget and revenue calculation purposes pursuant to  
8 Section 21-1-3 NMSA 1978;

9 D. "tribal college" means the New Mexico campus of  
10 a public post-secondary educational institution established by  
11 a tribe or the federal government with one or more campuses  
12 located in New Mexico; and

13 E. "tribe" means an Indian nation, tribe or pueblo  
14 wholly or partially located in New Mexico.

15 Section 3. TRIBAL COLLEGE FUND CREATED--ADMINISTRATION--  
16 DISTRIBUTIONS.--

17 A. The "tribal college fund" is created in the  
18 state treasury. It shall consist of money appropriated by the  
19 legislature, earnings on the fund, gifts, grants, bequests or  
20 other distributions to the fund. Balances in the fund at the  
21 end of a fiscal year shall not revert to the general fund.

22 B. The fund shall be administered by the  
23 commission.

24 C. Beginning in 2005, money in the fund shall be  
25 distributed in August of each year by the commission to tribal

1 colleges based on the number of students who were New Mexico  
2 residents registered in the spring term immediately preceding  
3 the distribution of money from the fund.

4 D. Money shall be distributed pursuant to vouchers  
5 signed by the director of the commission on warrants signed by  
6 the secretary of finance and administration.

7 Section 4. APPROPRIATION.--An amount equal to twenty-five  
8 percent of the aggregate amount of revenue sharing paid  
9 annually to the state pursuant to the tribal-state class III  
10 gaming compacts with New Mexico that were approved by the  
11 United States secretary of the interior in 2001, or  
12 subsequently, is appropriated from the general fund to the  
13 tribal college fund in fiscal year 2005 and subsequent fiscal  
14 years to carry out the purposes of the Tribal College Act.  
15 Balances remaining in the tribal college fund at the end of a  
16 fiscal year shall not revert to the general fund.

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